

FILED
CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
JAN 29 PM 12:01

ERICK E. RIVERA

NAME OF PLAINTIFF(S)

JP MORGAN CHASE

NAME OF DEFENDANT(S)

COMPLAINT

JURY TRIAL

328

IRIZARRY, J.

GO, M.J.

CV 16

This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

6126 SAUNDERS STREET 2FLR REGO PARK
Street Address
QUEENS, NY, 11374, 310 467 9094
County State Zip Code Telephone Number

2. Defendant(s) resides at; or its business is located at:

ONE CHASE MANHATTAN PAZA 18th Floor
Street Address
New York, NYC, NY, 10005
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

37-29 JUNCTION BOULEVARD
Street Address
QUEENS, CORONA, NY, 11368
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes
(check only those that apply).

☐ Failure to hire.
☐ Termination of my employment.
☐ Failure to promote.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.
☒ Retaliation
☐ Other acts (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

APRIL, MAY, JUNE, JULY, AUGUST, OCTOBER 2010 DEC 2010 JAN 2011
 Date(s) MARCH 2011 SEP 2011 NOV 2011 DEC 2011 JAN 2012 APRIL 12

6. I believe that the defendant(s) (check one) MAY 12 JUNE 12 JULY 12 AUGUST 12
 MARCH 13 APRIL 13 MAY 13

_____ is still committing these acts against me.

_____ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
 (check only those that apply and state the basis for discrimination, for example,
 what is your religion, if religious discrimination is alleged)

☒ race HISPANIC ☐ color _____

☒ gender/sex MALE ☐ religion _____

☒ national origin ECUADORIAN

☐ disability _____

☐ age. If age is checked, answer the following:

I was born in _____. At the time(s) defendant(s) discriminated against me,
 Year

I was ☐ more ☐ less than 40 years old. (check one).

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

1

8. The facts of my case are as follows:

IN MAY 2001 I STARTED WORKING FOR CHASE
AS A CREDIT CARD REPRESENTATIVE. I PERFORMED
WELL AND THROUGHOUT THE YEARS WAS PROMOTED
TO DIFFERENT POSITIONS WITHIN CHASE. IN 2005
I PASSED TWO INVESTMENT LICENSE EXAMS (SERIES
6 AND 63) IN ADDITION TO THE LIFE & HEALTH LICENSE.
I WAS OFFERED THE OPPORTUNITY TO WORK AT A BRANCH
LOCATED IN JACKSON HEIGHTS. IN 2008 I WAS TRANSFERRED
TO THE JUNCTION BLVD BRANCH LOCATED AT 3729 JUNCTION
Boulevard
CORONA QUEENS NY.

(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: 2/13/2014
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: August 2010
Date

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have elapsed.

_____ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Right to Sue letter.

☒ has issued a Right to Sue letter, which I
received on 10/28/2015.
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.


PLAINTIFF'S SIGNATURE

Dated: JANUARY 20, 2016

6126 SAUNDERS STREET
Address
2 FLR REGO PARK NY 11374
(310) 467-9094
Phone Number

(2)

IN SPRING 2010 SELLERS DOUGLAS BECAME THE DISTRICT MANAGER FOR THE JUNCTION BOULEVARD BRANCH. WHILE MARY CAPPUCIO BECAME THE BRANCH MANAGER.

MARY CAPPUCIO CAME FROM THE REGO PARK BRANCH.

IN SPRING 2010 SELLERS REFUSED TO PROMOTE ME TO THE POSITION OF BUSINESS BANKER DESPITE MARKET MANAGER ELSIE LEON-CRUZ'S RECOMMENDATION THAT I BE PROMOTED.

MY ECUADORIAN COWORKERS WERE ALSO DENIED PROMOTIONS. MY MARIA GONZALEZ, JENNIFER MACHUCA AND CHRISTIAN QUIZHPi WERE DENIED PROMOTIONS. ONE OF MY COLLEAGUES NAMED ALEX GUNZIND WAS TARGETED AND FIRED BY CAPPUCIO.

IN SPRING 2010 CAPPUCIO BEGAN TO DIRECT NEW CLIENTELE AWAY FROM ME BECAUSE OF THE DISCRIMINATORY ANIMUS SHE HARBORED REGARDING MY NATIONAL ORIGIN.

CAPPUCIO ALSO ALLOWED DISCRIMINATORY BEHAVIOR DIRECTED AT ME BY MY NON-Ecuadorian COLLEAGUES INCLUDING:
HUMBERTO LOPEZ (COLOMBIAN)

3

MARIA CONTRERAS (COLOMBIAN)
CARLOS GAVILAN (COLOMBIAN).

THESE THREE COLOMBIAN COLLEAGUES
BAD-MOUTH ME ON A REGULAR BASIS,
WHICH CAPPUCIO KNEW YET DID
NOTHING ABOUT. CAPPUCIO HERSELF
WOULD OFTEN SAY EXPLETIVES TO
ERICK'S FACE INCLUDING:

FIRST AGE BEFORE BEAUTY IF
I WOULD ENTER IN FRONT OF HER
CAPPUCIO ALSO REFERRED ME AS A
"CARAJITO."

IN JUNE 2010 I COMPLAINED TO
CHASE'S HUMAN RESOURCES REGARDING
CAPPUCIO'S DISCRIMINATORY TREATMENT.
CAPPUCIO SAID TO ME I WILL BE
TRANSFERRING TO ANOTHER BRANCH.

IN JULY 26 2010

HUMBERTO LOPEZ ASSAULTED
ME FROM BEHIND BY PUTTING
HIS ELBOW ON MY BACK AND
HIS LEFT HAND ON MY POCKET.
THIS HAPPENED INSIDE THE
3729 JUNCTION BLVD CHASE BRANCH
DAYTIME. THIS OCCURRED
AT THE COPY MACHINE WHERE
THERE ARE TWO CAMERAS
THIS WAS HARRASSMENT AND
DISCRIMINATORY.

(4)

IN A LETTER DATED AUG. 5, 2015
MARY ANN GARAHAN
DIRECTOR OF WHISTLEBLOWER PROTECTION
PROGRAM. TELLS ME THE US DEP.
OF LABOR FAILED TO OBTAIN THE
VIDEO OF THE ASSAULT.

THE EEOC ALSO DID NOT OBTAIN
VIDEO OF THE ASSAULT.

I COMPLAINED THIS ASSAULT.
TO THE HUMAN RESOURCES, TO.
WORKER'S COMPENSATION (I WENT
TO THE HOSPITAL) I HAVE
MEDICAL DIAGNOSIS & TREATMENT
DONE BY MY DOCTOR AT CORNELL.

AFTER THE ASSAULT, THE NEXT
DAY MARY CAPPUCIO AND DOUGLAS
SELLERS INVENTED A WARNING
AGAINST ME. SAYING I WAS
HARRASSING OTHER EMPLOYEES,
BRAKING PHONES, DESKS, ETC.
DOUGLAS SELLERS, MARY CAPPUCIO
AND HUMBERTO LOPEZ (ALONG WITH
MARIA CONTRERAS) CREATED
THESE BUNCH OF LIES TO TAKE
ME OUT OF BRANCH (WHERE I
WAS SUCCESSFUL WITH MY REGULAR
AND PROSPECT CLIENTS)

(5)

CHASE FAILED TO KEEP THE VIDEO THAT WILL FIND HUMBERTO LOPEZ GUILTY OF THE ASSAULT AND SELLERS AND CAPPUCIO COVERING IT

IN FACT SELLERS TOLD ME TO LEAVE THE BRANCH. I WAS NOT EVEN ABLE TO RETRIEVE MY BELONGINGS I WAS OUT OF WORK FOR A MONTH ALMOST.

THERE AFTER, IN JULY 2010.

I RECEIVED AN UNJUSTIFIED AND FABRICATED PERFORMANCE WARNING IN RETALIATION FOR MAKING A COMPLAINT TO THE HUMAN RESOURCES.

MOREOVER HUMBERTO LOPEZ WAS PROMOTED WHILE I WAS KICKED OUT OF THE BRANCH.

ON AUGUST 8, 2010 I FILED A COMPLAINT OF DISCRIMINATION BASED ON NATIONAL ORIGIN AND RETALIATION AGAINST JP MORGAN CHASE, SELLERS, CAPPUCIO WITH THE NY CITY COMMISSION ON HUMAN RIGHTS (NYCCHR)

IN LATE AUGUST 2010. I WAS TRANSFERRED TO CHASE'S REGO PARK BRANCH.

(6)

ON OCTOBER 18, 2010 SELLERS VISITED THE REGO PARK BRANCH, TAKING ME TO THE BASEMENT AND ATTEMPTED TO BULLY ME INTO SIGNING A FORMAL WARNING REGARDING MY ALLEGED BEHAVIOR ISSUE.

I REFUSED TO SIGN. I EVEN TA. GOT SELLER ON TAPE.

MY COMPLAINT TO NYCCHR WAS DISMISSED IN NOV 10. THEREAFTER SELLER SUBJECTED ME TO A PATTERN OF INCREASING RETALIATION

BEGINNING OF DEC 10 I ASKED FOR A TRANSFER TO A BRANCH OUTSIDE SELLERS'S JURISDICTION. WITHOUT ANY SUCCESS.

I DID THIS TO IN AN EFFORT TO ESCAPE SELLERS' RETALIATORY AND INTIMIDATING BEHAVIOR. MY REQUEST TO TRANSFER

LIKE MANY OTHERS WERE REFUSED

IN JAN-2011 SELLERS ATTEMPTED TO PLACE ME ON A PERFORMANCE IMPROVEMENT PLAN. IN ORDER TO SET ME UP FOR TERMINATION.

(7)

JAMES STANKO (REGO PARK MANAGER) AT THAT MOMENT REFUSED TO PLACE ME ON HIS PLAN. 'CAUSE THE (MY) PERFORMANCE DID NOT WARRANT SUCH ACTION.

BOTH STANKO AND GABRIEL TALMAZOV (FINANCIAL ADVISOR FOR REGO PARK BRANCH) CONFIRMED + SELLERS WAS TRYING TO SET ME UP FOR TERMINATION.

WENT I WENT TO THE ARMY IN MARCH 2011 Seller's Refused to sign A FORM. To serve in the Military. Finally He signed weeks after.

I went to ARMY from March 11 thru Sep 11.

When I came back I was sent to a Branch was about to close within 2 years.

Seller was a wholeseller for that Branch.

PLUS Hear this!! HUMBERTO LOPEZ NOW A FINANCIAL ADVISOR CAME TO THE BRANCH IN MIDDLE VILLAGE WHERE I WORKED TO HARASS, MADE FUN OF ME.

(8)

I FELT I DID NOT HAVE
A WAY OUT.

I WENT TO MANY INTERVIEWS
IN OTHER DISTRICTS TO GET
AWAY FROM SELLERS AND
LOPEZ.

I WAS DENIED THE TRANSFER
MULTIPLE TIMES.

MANAGER IN MANHATTAN TOLD
ME "WHY THE BANK WAS
TRYING to get rid of me"

DESPITE THE ONGOING
RETAUATION AND CHASE
REFUSAL TO GRANT ME A TRANSFER
I CONTINUED TO WORK HARD
AND PERFORM WELL FOR THE
BANK. IN DEC 12 I WAS
PROMOTED TO RELATIONSHIP LICENSED
BANKER.

ON 2, 23, 13 CHASE Middle Village
BRANCH CLOSED. I WAS TRANSFERRED
TO Ridgewood, which CONSTITUTES
A RETALIATORY TRANSFER

(9)

BECAUSE SELLER WAS THE
DISTRICT SALES MANAGER
SUPPORTING RIDGEWOOD BRANCH.

ON 3.23.13 ASSISTANT BRANCH
B MANAGER BEVERLY LANCASTER
INFORMED ME SELLERS WAS
SAYING BAD THINGS ABOUT ME.

I MADE A MISTAKE AT THE
RIDGEWOOD BRANCH.

I WAS FIRED FROM RIDGEWOOD
BRANCH ON. 4.25.13. THE BANK
REFUSED TO GIVE ME BACK MY BELONGING

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Erick Rivera**
6126 Saunder Street
Rego Park, NY 11374

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16F-2010-00165

Holly M. Woodyard,
State & Local Program Manager

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

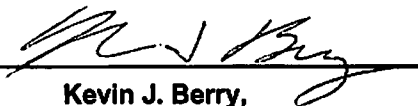
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Kevin J. Berry,
District Director

Oct 22, 2015

(Date Mailed)

Enclosures(s)

cc:

JP MORGAN CHASE
Attn: Director of Human Resources
111 Eighth Avenue - 13th Floor
New York, NY 10017

Kathryn Knepper, Vice President
Employee Relations
JP Morgan Chase
Once Chase Manhattan Plaza, 18th Floor
New York, NY 10005-1401
Mail Code: NY1-A302